

Docket No.: I0046.0155
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Holger Sedlak et al.

Application No.: 10/701,058

Confirmation No.: 5559

Filed: November 4, 2003

Art Unit: 2836

For: FREQUENCY REGULATING CIRCUIT

Examiner: D. M. Parries

REPLY BRIEF

MS Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is pursuant to 37 CFR § 41.41(a), and is responsive to the Examiner's Answer mailed on November 30, 2010, in the above identified U.S. Patent application. As required under § 41.41(a), this Reply Brief is filed within two months of the Examiner's Answer.

No fees are believed due for the filing of this Reply Brief. However, if any fee is due, the Patent Office is authorized to charge such fee to Deposit Account No. 50-2215.

As described in Appellants' Appeal Brief, each of the claims under final rejection is patentable over the references cited by the Examiner. Appellant maintains each argument presented in the Brief. Further, in response to the Examiner's Answer, Appellant has the following additional remarks.

Applicant continues to assert that the specification provides support for the term "non-incrementally". One of ordinary skill in the art reading the application as a whole understands that

the application as originally filed inherently describes a clock frequency that is adjusted non-incrementally. The frequency regulating circuit could not function as described unless this were the case.

For example, specification paragraph [0020] states “Accordingly, the clock supply circuit has a clock generator 7, which generates a *constant maximum internal frequency*.” In order for there to be a “constant maximum internal frequency”, the clock frequency must be adjusted non-incrementally, otherwise there would be a period of time during the incremental adjustments when there is not maximum internal frequency.

Similarly, specification paragraph [0019] states “On account of this, the clock frequency provided by the clock circuit 4 is increased again so that, *at any time, a maximum possible clock frequency is made available*.” Also, specification paragraph [0010] states that “This ensures that the circuit configuration *always operates with the maximum power* that is possible taking account of the permissible maximum values for the current consumption. Thus, the *maximum possible power is always available*, without the circuit configuration being endangered by excessively great heating.” Again, in order for there to be a maximum possible clock frequency at any time, and for there to be a maximum possible power always available, the clock frequency must be adjusted instantaneously and non-incrementally, otherwise there would be a period of time during the incremental adjustments when there is not a maximum possible clock frequency or a maximum possible power.

Appellant disagrees with the Examiner’s example of only the sixth of six clock pulses in a row being suppressed as being an incremental adjustment of a clock signal. It is the Examiner’s position that because there is a change of not suppressing the first five clock pulses to suppressing the sixth clock pulse the adjustment is incremental. Appellant asserts that the Examiner is taking too narrow a view. In this example there is a non-incremental change from 100% of the clock pulses not being suppressed to only 83.3% (i.e., five out of six pulses). Contrary to the Examiner’s position, this is an example of a non-incremental adjustment.

The Examiner asserts that he believes the term “non-incrementally” was amended into the claims because Durham teaches a frequency adjustment that is incremental. Applicant does not dispute this point. However, as discussed above, there is support in the specification for this feature. In fact, independent claim 1 inherently includes this feature. Independent claim 1 recites “that said control device adjusts said clock frequency instantaneously and non-incrementally to provide at said output, at any time, the maximum possible clock frequency corresponding to a maximum permissible current consumption of the circuit.” In order for the clock frequency to be adjusted instantaneously such that there is at any time, the maximum possible clock frequency corresponding to a maximum permissible current consumption of the circuit, the clock frequency must be adjusted non-incrementally for the reasons discussed above.

It is therefore clear that the specification as originally filed provides support for the term “non-incrementally”.

With respect to the Examiner’s assertion regarding Applicant’s argument that Durham’s frequency levels are not adjusted *directly* in response to a control signal, Applicant meant that Durham’s frequency levels are not adjusted *instantaneously*. Appellant apologizes for the confusion.

For at least the reasons set forth above, and those identified in the Appeal Brief, Appellants respectfully submit that the claims are patentable over the applied references. Accordingly, reversal of the final rejection of all claims is respectfully requested.

Dated: January 31, 2011

Respectfully submitted,

By 

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